

Appl. No. : 10/698,031
Filed : October 29, 2003

REMARKS

Claims 1-14, 16-31, 33-100, 119, 121-125, and 146-185 were pending. With the present Response, Applicants amend Claims 1, 27, 30, 31, 34-36, 91, 119, 122, 123, 146, and 155; and cancel Claims 26, 33, 93, 121, 152, 156, 157, and 172. Claims 1-14, 16-25, 27-31, 34-92, 94-100, 119, 122-125, 146-151, 153-155, 158-171, and 173-185 remain pending for consideration. The application is now in condition for allowance.

Allowed Subject Matter

Applicants note with appreciation the Examiner's allowance of Claims 165-185 and the indication of allowable subject matter in Claims 4-6, 9, 13, 19-23, 33-36, 48, 51, 52, 56-56, 58, 67, 70-73, 76, 80, 81, 83-86, 94-96, 98, 99, 121-123, 152-154, 156, and 161-164 if rewritten in independent form.

As discussed below, the independent claims have been amended to include language derived from at least one allowable dependent claim, although not every amended independent claim directly corresponds to one of its own previously-pending dependent claim. However, Applicants submit that all the claims are now allowable, and the present application is now in condition for immediate allowance.

Claim Objections

The Office Action objects to Claim 172 as being an essential duplicate of Claim 161. Applicants have canceled Claim 172, as provided above.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3, 7, 8, 10, 11, 14, 16, 24-27, 30, 31, 37, 40, 41, 43, 44, 53, 57, 59, 61-65, 68, 69, 74, 75, 77, 78, 87-93, 97, 100, 124, 125, 146-150, 155, and 157-159 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,163,429 to Cohen. In addition, Claims 1-3, 7, 11, 14, 17, 18, 25, 26, 30, 31, 37, 40, 42-47, 49, 50, 53, 57, 59-66, 68, 69, 79, 82, 87-93, 97, 100, 119, 124, 125, 146, 149-151, 155, 159, and 160 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,580,946 to Struble.

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Applicants respectfully traverse the rejections and disagree that either Cohen or Struble anticipate any of the foregoing claims. However, to expedite prosecution, Applicants have amended the independent claims, as discussed below. Applicants reserve the right to prosecute previous versions of all amended claims in one or more future patent applications.

Claim 1 has been amended to include the language of Claims 26 and 33, Claim 33 having been allowed; therefore, Claim 1 now distinguishes over the applied art, as well. Claims 2, 3, 7, 8, 10, 11, 14, 16-18, 24, 25, 27, 30, 31, 37, 40,-47, 49, 50, 53, 57, 59-66, 68, 69, 74, 75, 77-79, 82, and 87-90 depend from Claim 1; therefore, Claims 2, 3, 7, 8, 10, 11, 14, 16-18, 24, 25, 27, 30, 31, 37, 40,-47, 49, 50, 53, 57, 59-66, 68, 69, 74, 75, 77-79, 82, and 87-90 distinguish over the applied art, as well. In addition, Claims 2, 3, 7, 8, 10, 11, 14, 16-18, 24, 25, 27, 30, 31, 37, 40,-47, 49, 50, 53, 57, 59-66, 68, 69, 74, 75, 77-79, 82, and 87-90 distinguish over the applied art for the unique combinations of features recited in those claims.

Claim 91 has been amended to include language based upon allowed Claim 33, which depended from Claim 1. However, even though Claim 33 did not depend from Claim 91, Applicants submit that the amendment to Claim 91 renders the claim allowable for at least the same reasons amended Claim 1 now distinguishes over the applied art. In addition, Claim 91 has been amended to remove language that the Office Action indicated was not considered to be a positively claimed recitation. Therefore, removal of this language should not affect patentability of this claim. Claims 92, 97, and 100 depend from Claim 91; therefore, Claims 92, 97, and 100 distinguish over the applied art, as well. In addition, Claims 92, 97, and 100 distinguish over the applied art for the unique combinations of features recited in those claims.

Claim 119 has been amended to language based upon allowed Claim 121; therefore, Claim 119 now distinguishes over the applied art, as well. Claims 124 and 125 depend from Claim 119; therefore, Claims 124 and 125 distinguish over the applied art, as well. In addition, Claims 124 and 125 distinguish over the applied art for the unique combinations of features recited in those claims.

Claim 146 has been amended to include the language of allowed Claim 152; therefore, Claim 146 now distinguishes over the applied art, as well. Claims 147-151, and 155 depend from Claim 146; therefore, Claims 147-151, and 155 distinguish over the applied art, as well. In

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addition, Claims 147-151, and 155 distinguish over the applied art for the unique combinations of features recited in those claims.

Claim 155 has been amended to include language based upon allowed Claim 156; therefore, Claim 155 now distinguishes over the applied art, as well. Claims 158-160 depend from Claim 155; therefore, Claims 158-160 distinguish over the applied art, as well. In addition, Claims 158-160 distinguish over the applied art for the unique combinations of features recited in those claims.

As indicated above, Claims 26, 93, and 157 have been canceled, which renders the rejection of these claims moot.

Claim Rejections Under 35 U.S.C. § 103

Claims 12, 28, 29, 38, and 39 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Struble or over Cohen. Claims 12, 28, 29, 38, and 39 depend from Claim 1, which distinguishes over the applied art, as discussed above. Therefore, for at least this reason alone, Claims 12, 28, 29, 38, and 39 distinguish over the applied art, as well. In addition, Claims 12, 28, 29, 38, and 39 distinguish over the applied art for the unique combination of features recited in that Claim.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance, and such action is earnestly solicited. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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